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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,338	01/26/2004	Christopher Clemmett Macleod Beck	P8600	9881
24739	7590	06/10/2010		
CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
CHEEMA, UMAR				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
06/10/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

**Application No.**

10/765,338

**Applicant(s)**

MACLEOD BECK ET AL.

**Examiner**

UMAR CHEEMA

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-42, 44-53 and 70-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-42, 44-53 and 70-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed on 03/08/2010. Claims 40-42, 44-53, and 70-82 are pending with claims 40 and 70 being further amended.
2. Applicant's arguments with respect to claim 1 objection and Claims 40-42, 44-53, and 70-82 are rejected under 35 U.S.C. 101 have been fully considered and are persuasive. Claim 1 objection and Claims 40-42, 44-53, and 70-82 are rejected under 35 U.S.C. 101 rejection have been withdrawn in view of amendments.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 40-42, 44-53, and 70-82 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 40-42, 44-53, and 70-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (Holbrook) (US Pub. No. 2003/0078985) and further in view of Fraser ("MT-NW Manual) and further in view of Bowman-Amuah (hereinafter Bowman) (US Patent No. 6,601,234).
5. Regarding claims 40 and 70, Holbrook discloses the invention as claimed a method and communication management system, comprising: a computer appliance associated with a particular user (see at least abstract , par. [0005, 0087, 0096; **computer networks providing a data distribution service to a substantial customer base, member computers requiring reliable on-demand access to remote network services**]); a data repository coupled to the computer appliance storing a directory of contact identifies, a user-configured plurality of zones, to which contact identities are associated by the user, and user configured communication-management policies that vary by one or both of zone and contact identity (see at least par. [0007, 0101, 0128, 0195]; **wherein central repository of data and creating plurality of zones within messaging nodes with given value are available for users etc.**); and software stored on and executable from a machine-readable storage medium accessible by the computer appliance (see at least par. [0220]; **software configured to do multiple operations of the presented invention etc.**).
6. Holbrook discloses substantial features of the invention for the given reasons above but do not explicitly disclose wherein software providing at least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software according to zone association.

7. In the same field of invention Fraser discloses wherein software providing at least a policy-enforcement utility and a message-content analyzer; wherein, in communication operations, contact identities and message content is analyzed to determine zone association, and management policies are enforced by the software (comprising enforcing a rule that messages must be sent with the proper text encoding for a personality: see third par. on pg. 38; Fraser also discloses a plurality of zones each with unique set of users and each user identified by a unique name in the zone (posting to Usenet: see "Posting New Articles" on p. 25; comprising the body of information included in message sent from a "Personality", which is an identity specific to a user for use in a specific zone, the zone comprising a newspaper: see pg. 35 and "Group Setting" on pg. 41; also see pg. 20 "Reading the News") and wherein communication is supported in multiple modes and protocols within each zone and the system activates a zone based at least one name of active users (see comprising the function which creates "Personalities": pg. 35-36 and selecting personality based on a filter defined by author name: see discussion of "Filters" on pgs. 41-42 and the third par. of pg. 61).

8. It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Holbrook into Fraser for a communication management system. Motivation for doing so would have been having data available for plurality of zones within messaging nodes (see Holbrook par. [0128]).

9. Although, Holbrook discloses substantial features of the invention Holbrook fails to expressly disclose each zone created by the user is associated by a business or by a social activity. Nevertheless, zone created by the user is associated by a business or by a social activity were well known in the art at the time of applicant's invention.

10. In analogous teaching Bowman discloses wherein each zone created by the user is associated by a business or by a social activity (**see at least abstract, Fig. 2 and details, col. 2, lines 18-33; access, analyzing and controlling business object are being described**).

11. Thus, it would have been obvious for one of the ordinary skill person in the art of networking to combine the teaching of Holbrook into Bowman for social or business zone for the motivation of using different zones for communication system.

12. Regarding claim 41, Holbrook discloses the system of claim 40 wherein contact identities may be names or aliases of person or devices (see par. [0007, 0101, 0128, 0195]).

13. Regarding claim 42, Holbrook discloses the system of claim 40 further comprising an interface to a network, wherein the communication involves sending or receiving message over the network (see par. [0085, 0087, 0133]; fig. 2 and details associated).

14. Regarding claim 43, (Cancelled).

15. Regarding claim 44, Holbrook discloses the system of claim 40 wherein the system, at the time of receiving or sending a message, determines a zone association to determine management policy to enforce (see par. [0007, 0101, 0128, 0195]).

16. Regarding claim 45, Holbrook discloses the system of claim 40 wherein individual ones of the zones are defined by various social environments and/or activity engaged in by a person (see at least par. [0096, ]).

17. Regarding claim 46, Holbrook discloses the system of claim 40 wherein messaging in multiple modes and protocols is supported, including but not limited to voice and text (see at least par. [0012], Fig. 1).

18. Regarding claim 47, Holbrook disclose the system of claim 40 wherein contact identities of single users or devices may vary by communication mode as well as by zone (see par. [0007, 0101, 0128, 0195]).

19. Regarding claim 48, Holbrook discloses the system of claim 46 wherein the multiple modes and protocols include email, instant messaging, RSS, voice mode, network-news transport protocol (NNTP), file transport protocol (FTP), really simple syndication (RSS), universal discovery\_ description and integration (UDDI), lightweight directory\_ access protocol (LDAP), multipurpose internet mail extensions (MIME, post office protocol (POP), simple mail transport protocol (SMTP), Internet message access protocol (IMAP), session initiation protocol (SIP), text messaging services (TMS), and hypertext transport protocol (HTTP) (Holbrook: par. [0007, 0101, 0128, 0195]).

20. Regarding claim 49, Holbrook discloses the system of claim 40 wherein contact identities include both sender and recipients (see Holbrook: par. [0007, 0101, 0128, 0195]).

21. Regarding claim 50, Holbrook discloses the system of claim 40 further comprising generated alerts from attempted policy violation (see at least par. [0150]).

22. Regarding claim 51, Holbrook discloses the system of claim 41 wherein contact identity name may be in a form of a URI, an email address, a telephone number, a machine address, an IP address, or a text message (see at least par. [0195]).

23. Regarding claim 52, Holbrook disclose the system of claim 40 wherein management policy includes automatic handling of incoming communication events, the handling determined by one or both of contact identity and mode of communication (Holbrook: par. [0007, 0101, 0128, 0195]).

24. Regarding claim 53, the combination of Holbrook-Fraser further discloses the system of claim 40 further comprising an interactive user interface for a user to create and populate zones, enter contact identities and creat, edit, and associate policy (see Holbrook: par. [0007, 0101, 0128, 0195, 0158]; Fraser: creating and editing group setting under Group setting section starting at page. 99).

25. Regarding claims 54-69, (Cancelled).

26. Regarding claims 71-82, there claimed limitations are same as previously addressed claims 41-42, and 44-53 except being method claims and therefore are rejected for the same reason as claims 41-42, and 44-53 (see claims 41-42 and 44-53 rejection above).

### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./  
Examiner, Art Unit 2444  
/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444